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**FILED**

**MAR 11 2019**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BUTTE DIVISION**

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| <b>UNITED STATES OF AMERICA,</b><br><br><b>Plaintiff,</b><br><br><b>vs.</b><br><br><b>ELLEN LORRAINE VAN AUDSOL,</b><br><br><b>Defendant.</b> | <b>CR 19-07-BU-DLC</b><br><br><b>AFFIDAVIT ESTABLISHING</b><br><b>PROBABLE CAUSE IN</b><br><b>SUPPORT OF INFORMATION</b> |
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1. I, Brett Seamons, am a Special Agent with the Internal Revenue Service, Criminal Investigation. I verify, under penalty of perjury, the following facts that I believe establish probable cause that Ellen Lorraine Van Ausdol, committed the offense of Wire Fraud, between January 2010 and April of 2016,

and Making and Subscribing to a False Income Tax Return, which occurred on September 4, 2014.

2. Van Ausdol operates a fiduciary business, which is called Fiduciary Consulting and Management, Inc., in Bozeman, Montana. The purpose of Fiduciary Consulting and Management, Inc., is to offer money management services for court-appointed clients. Many of the court-appointed clients lack the ability to manage their own money.

3. All total, the investigation determined that Van Ausdol embezzled approximately \$444,000 from her clients. The embezzlement resulted in Van Ausdol also owing additional taxes to the IRS in an amount of \$52,894.00. Such an amount owed to the IRS spanned the duration of the six-year embezzlement scheme.

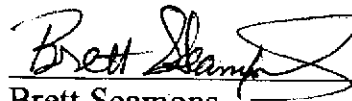
4. One specific tax count charged in the information focused on the tax return filed on September 4, 2014. On that date, Van Ausdol signed and filed an income tax return with the IRS. The income tax return contained a written declaration by Van Ausdol that it was made under the penalties of perjury. Van Ausdol signed such a return, omitting the total amount of income from embezzled funds for that year. Van Ausdol knew that she needed to report such income, yet

she did not do so. This omission resulted in an additional tax due and owing to the IRS in the amount of \$13,111.

5. Law enforcement interviewed Van Ausdol, and she admitted to embezzling money from her clients. According to Van Ausdol, she used the majority of the money to cover her gambling expenses. The parties have not resolved the total fraud loss or tax loss, but those issues will be addressed at sentencing.

6. Van Ausdol's movements of money in this case occurred by way of interstate wire communications throughout the scheme to defraud. The wires affected interstate commerce when they travelled outside Montana, through the Federal Reserve in Minneapolis, Minnesota, and returned to Montana. As a result of these interstate wire communications, Van Ausdol obtained access to and embezzled money for approximately six years.

DATED this 11<sup>th</sup> day of March, 2019.

  
Brett Seamons  
Special Agent, IRS-CI